REMARKS

Claims 1-16, 18-25, 27-46 and 49-56 have been examined. Applicant has cancelled Claim 56 to overcome the rejection under 35 U.S.C. 112, first paragraph. *See*, Office Action, pg. 2.

The remaining claims of this application have been finally rejected on the following basis. Claims 1, 6-8, 10-14, 19-25, 28, 31-33, 38-45, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 7,190,798 (hereinafter "Yasuhara"). *See*, Office Action, pg. 3. Claims 2, 9, 27, 35, 46, 49-51 and 53, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhara. *See*, Office Action, pg. 9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhara in view of U.S. Pat. No. 6,114,774 (hereinafter "Fiegura"). *See*, Office Action, pg. 12. Claims 15-16, 18, 29-30 and 36, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhara in view of U.S. Pat. No. 6,157,725 (hereinafter "Becker"). *See*, Office Action, pg. 13. Claims 34 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhara in view of U.S. Pat. Pub. 2004/0071304 (hereinafter "Yanz"). *See*, Office Action, pg. 17.

Applicant respectfully traverses the official notice that a "touch screen display that allows a user to adjust the balance setting is well known in the art", *see* Office Action, pg. 9.

As indicated in MPEP §2144.03.A, "While 'official notice' may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 C.F.R. 1.113. Official notice should only be taken by the examiner where the facts asserted are well-known as to be common knowledge in the art are [sic] capable of instant and unquestionable demonstration as being well known." As noted by the court in, *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the Examiner must be capable of such instant and unquestionable demonstration as to defy dispute (citing *In re Knapp Monarch Co.*, 206 F.2d 230, 132 USPQ 6 (CCPA 1961)." The MPEP, §2144.03B further states, "Ordinarily, there must be some form of evidence in the record to support the assertion of common knowledge (citations omitted). If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge

(citations omitted). The applicant should be presented with the explicit basis on which the Examiner regards the matter as subject to official notice and be allowed to challenge the assertion in the next reply after the Office Action in which the common knowledge statement was made."

There is no evidence in the record that supports the Examiner's official notice that a "touch screen display that allows a user to adjust the balance setting is well known in the art." In fact, in the Examiner's cited primary reference, the word "balance" does not appear and there is no reference to balance settings. Furthermore, the Examiner has failed to provide any explicit basis for reasoning supporting the official notice. "[A]pplicant must be presented with the explicit basis on which the Examiner regards the matter as subject to official notice and be allowed to challenge the assertion in the next reply . . .." A further reason why the rejection based on official notice is erroneous is that it was given in a final action where Applicant's only response option may be to question the rejection on appeal.

Accordingly, Applicant respectfully requests the Examiner to provide explicitly the basis for his reasoning, and the specific factual findings, as sound technical and scientific meaning to support his official notice and supply documentation that provides an instant and unquestionable demonstration that a "touch screen display that allows a user to adjust the balance setting is well known in the art."

Reconsideration and allowance of the now pending claims is respectfully requested in view of the amendments to the claims and the following comments.

A. Rejections based on 35 U.S.C. §102.

It is axiomatic that a Claim is not anticipated, 35 U.S.C. §102, unless a single prior art reference teaches the entire recited subject matter of the claim. Applicant submits that the claims of this patent application provide a further and patentable improvement over the systems disclosed in Yasuhara, and are patentably distinguished over Yasuhara by the novel subject matter recited in the claims, as set forth below.

Applicant's Invention

Applicant's invention, as set forth by the claims of the application, comprises a system, apparatus and method by which a plurality of sources (102) of audio signals are diverted to a single audio amplifier (104) for amplification prior to application to a plurality of speakers (108, 110), and in which a system user can control, select and store, with a single control (106), the delivery, volume and balance setting for the amplified audio output of each of the audio sources (102) to apply to each of the speakers (108, 110). No such invention is disclosed by Yasuhara (or the other cited references).

Yasuhara's Disclosure

Yasuhara discloses a system in which a plurality of audio sources (82, 83, 84, 4/85) can be user selected by a controller (180) and directed to a volume control (87) for application through four amplifiers (89) to speakers (10, 11). Unlike Applicant's invention, Yasuhara requires two controllers (80, 87) and four (4) audio amplifiers (89), and Yasuhara does not disclose or even mention balance setting, and, in fact, Yasuhara does not even contain the word "balance". As set forth more fully below, Applicant's invention is patentably distinguished from Yasuhara.

1. Claims 1-11.

The rejection recites that Claim 1 is anticipated by the teaching of Yasuhara of an audio system. *See*, Office Action, pg. 3 (*citing* Fig. 9). Relative to Fig. 9, Yasuhara describes audio components 81 coupled through switch 91 to volume control 87. The output of volume control 87 includes two outputs coupled to two amplifiers 89 that drive speakers 10. In addition, volume control 87 is coupled through switch 93 to the inputs of two additional amplifiers 89, which connect to speakers 11. Controller 80 controls the switch position of switches 91 and 93. Volume control part 87 receives the volume signal from controller 80 and amplifies the audio signal in accordance with the volume signal. The volume signal is provided by volume switch 21, which controls the volume for both the front and rear speakers 10 and 11. *See* Yasuhara, col. 12, lines 39-43.

In contrast, Applicant's Claim 1 recites "an amplifier comprising a respective balance setting for each audio source." Furthermore, Claim 1 recites "the control unit includes a user

interface for independently setting each respective balance setting of each respective audio source." Moreover, Claim 1 requires the control unit is also "configured to adjust the balance settings based upon a user selected audio source."

Specifically, the rejection recites that elements 89, 10, and 11 show an "amplifier comprising a respective balance setting for each audio source." However, Fig. 9 fails to disclose or suggest the limitation of "a respective balance setting for each audio source," as set forth in Claim 1. Moreover, Applicant respectfully submits that there is not a single reference to a balance setting, balance signal or balance control in the Yasuhara reference.

The rejection also recites that Yasuhara, col. 4, lines 10-58, show the limitations of "a user interface for independently setting each respective balance setting for each respective audio source." Applicant respectfully submits that neither Fig. 3 nor the recited portions of Yasuhara teach or suggest "a user interface for independently setting each respective balance setting for each respective audio source." In fact, as discussed above, Yasuhara does not teach or suggest even one balance setting for even a single audio source, much less a "respective balance setting for each respective audio source," as set forth in Claim 1.

Finally, the rejection recites that Yasuhara, col. 10, line 36 - col. 11, line 67, describes the control unit "configured to adjust the balance settings based upon a user selected [sic] audio source." *See*, Office Action, pg. 4. However, neither the recited portion of Yasuhara nor Fig. 9 teach or suggest the limitation of "the balance setting based on a user selected audio source," as set forth in Claim 1.

Thus, Applicant respectfully submits that the recited subject matter of Claim 1 patentably distinguishes claims 1-11 over Yasuhara and that Yasuhara does not anticipate Claim 1. As a result, independent Claim 1 and the respective dependent Claims 2-11 are in condition for allowance at least for the reason that Claim 1 is in condition for allowance.

2. Claims 12-23 and 55.

The rejection recites that Yasuhara, Fig. 9, and col. 10, line 36- col. 11, line 67, describe Claim 12 and all its limitations. However, as discussed above, Yasuhara fails to teach or suggest a balance setting. As a result, Yasuhara fails to teach or suggest a "computer readable program to receive a respective audio source balance setting for a

plurality of speakers for each respective audio source from a user interface," as set forth in Claim 12. In addition, Yasuhara does not disclose "computer readable storage medium including program code to select a selected category of passenger categories, as recited in Claim 55. Yasuhara does not disclose teach or suggest a selection of a passenger category from a plurality of passenger categories or program code for that purpose. Thus, Yasuhara does not disclose the recited subject matter of Claim 55. Therefore, Applicant respectfully submits that Yasuhara does not anticipate Claim 12 and that the recited subject matter of Claim 12 patently distinguishes Claims 12-16, 18-23 and 55 over Yasuhara. As a result, independent Claim 12 and dependent Claims 13-16, 18-23 and 55 are in condition for allowance for the reasons set forth above, and at least the reason that Claim 12 is in condition for allowance.

3. Claims 24-31.

The rejection recites that Claim 24 is anticipated by Yasuhara, Fig. 9, col. 8, line 20- col. 9, line 9, col. 4, lines 10-58, and col. 10, line 36- col. 11, line 67. *See*, Office Action, pg. 3-4. However, Yasuhara does not teach or suggest either "a user interface configured to receive an audio source balance setting for each respective audio source" or a head unit "configured to store each respective audio source balance setting for each respective audio source," as set forth in Claim 24. In fact, as discussed above, Applicant submits that Yasuhara does not teach each respective audio source having a respective audio source balance setting, as set forth in Claim 24. As a result, independent Claim 24 and dependent Claims 25 and 27-31 are in condition for allowance at least for the reason that Claim 24 is in condition for allowance.

4. Claims 32-38.

The rejection recites that Yasuhara, Figs. 1-3, 7-9 and col. 10, line 36- col. 11, line 67, teaches the method of Claim 32. However, as discussed above, neither Figs. 1-3 nor 7-9 teach or suggest a balance setting nor a "selected balance setting" nor a "respective audio source balance setting for the selected audio source," as set forth in Claim 32. Moreover, Applicant respectfully submits that because Yasuhara fails to teach or suggest a balance

setting, Yasuhara does not anticipate the limitations of either "receiving selected balance settings for selected audio sources," or "storing the selected balance settings received from the head unit as the respective audio source balance setting," or "reproducing an audio output signal . . . based on a stored selected balance setting for one of the selected audio sources," as set forth in Claim 32. Applicant respectfully submits that the recited subject matter of Claim 32 patentably distinguishes Claims 32-38 over Yasuhara, and that Yasuhara does not anticipate Claim 32. As a result, independent Claim 32 and dependent Claims 33-38 are in condition for allowance at least for the reason that Claim 32 is in condition for allowance.

5. Claims 39-42.

The rejection recites that Yasuhara, Figs. 1-3, 7-9 and col. 10, line 36 - col. 11, line 67, anticipates Claim 39. *See*, Office Action, pg. 7. The rejection argues that Yasuhara teaches the recitation of "a passenger category selection module (see Fig. 3(29)) located on the control unit (29 in Fig. 3) and configured to receive a user selected passenger category from a plurality of passenger categories, and each passenger category includes a respective balance setting for each audio source (such as, the rear seated [sic] passenger turns on a DVD and they do not [sic] want to disturb the driver. The back seated [sic] passenger turns off the rear and turns on [sic] the headphone)." *See*, Office Action, pg. 7. Element 29 of Fig. 3 is not "a passenger category selection module" as recited in Claim 39.

Elements 29 (and element 28) are display devices. *See*, col. 8, lines 37-38, "The head units further comprises a twin display including a front display part 28 and a rear display part 29," and at col. 11, lines 2-5, "The front and rear display parts 28 and 29 show operating states of the front and rear audio sources . . .." Applicant further submits that, as recited in Claim 39, a passenger category is not the same as a passenger selecting from "a plurality of audio sources" because a passenger category descriptive labels a vehicle passenger.

Illustratively, dependent Claim 42 includes the further limitation of "the passenger categories include the passenger categories include "a driver category, a co-driver category, a backseat passenger category and a children category." In fact, Yasuhara does not teach or suggest any such passenger category selection. As a result, Yasuhara does not anticipate Claim 39.

In addition, Yasuhara does not teach "each passenger category includes a respective balance setting for each audio source," because Yasuhara does not teach or suggest any balance setting. Instead, Yasuhara merely recites a single system volume control signal, which is different from "a respective balance setting for each audio source.".

As a result, Yasuhara does not teach or suggest the limitations of either "a respective balance setting for each audio source," or a "user interface module configured to adjust a balance setting . . . for the selected passenger category based on a respective audio source . . . and the user selected passenger category." Therefore, Applicant respectfully submits that the recited subject matter of Claim 39 patentably distinguishes claims 39-42 over Yasuhara, and that Yasuhara does not anticipate Claim 39. As a result, independent Claim 39 and dependent claims 40-42 are in condition for allowance at least for the reason that Claim 39 is in condition for allowance.

6. Claims 43-45.

The rejection recites that Claim 43 is taught by Yasuhara Figs. 1-3, 7-9 and col. 10, line 36 - col. 11, line 67. As discussed above, Yasuhara teaches neither "receiving a selected passenger category" that is "selected from a plurality of passenger categories" nor that "the passenger category includes a respective balance setting for each of a plurality of audio sources," as set forth in Claim 43.

In addition, because Yasuhara does not teach or suggest a balance setting, Yasuhara does not teach or suggest "receiving an adjustment for the balance setting of at least one audio source" where the balance setting is "for the selected passenger category," as set forth in Claim 43. Finally, because Yasuhara does not teach or suggest, as Claim 43 recites, "a respective balance setting for each of the plurality of audio sources," it is axiomatic that Yasuhara does not teach or suggest "reproducing audio signals based on the balance setting for each audio source," where each audio source has a respective balance setting.

As a result, Applicant respectfully submits that Claim 43 and respective dependent claims 44-45 are not anticipated by Yasuhara and are patentably distinct. Therefore, independent Claim 43 and dependent claims 44-45 are in condition for allowance at least for the reason that Claim 43 is in form for allowance.

B. Rejections based on 35 U.S.C. § 103.

To establish a *prima facie* case of obviousness, the rejection must, at a minimum, establish that the prior art references, when combined, teach or suggest all of the claim limitations of a rejected claim. *See* §2124 MPEP. As set forth below, the combination of the recited references fails to teach or suggest all of the limitations of the claims rejected as obvious. Thus, Applicant submits that the subject matters of these rejected claims were not obvious under 35 U.S.C. §103.

1. Claims 2, 9, 27, 33-35, and 51.

The rejection states that Claims 2, 9, 27, 35, 46, 49-51, and 53 are rejected as obvious in view of the single reference Yasuhara. *See*, Office Action, item 7, pg. 9.

The rejection of Claim 2 recites that "Yasuhara teaches that the balance setting is configured to output an acoustic driver information message receivable from the audio system to a speaker positioned near a driver of the vehicle inherently." *See*, Office Action, item 7, pg. 9 (*citing see* Figs 1-3 and 9 and col. 10, line 36 – col. 11, line 67).

Yet, Yasuhara fails to teach or suggest, either explicitly or inherently, a balance setting, a balance setting for a vehicle navigation unit, or a speaker positioned near a driver. Hence, Yasuhara fails to teach or suggest "a balance setting configured to output an acoustic driver information message ... to a speaker positioned near a driver of the vehicle." As a result, Yasuhara does not disclose each and every limitation of the claim. As a result, the rejection does not establish *prima facie* obviousness because the reference fails to teach or suggest each and every limitation. For at least this reason, Claim 2 is in allowable form as well as the respective Claims 3-5 depending from Claim 2.

The rejection of Claim 9 recites that "Yasuhara teaches that the user interface module is configured to generate a balance setting graphical user interface on a screen." *See*, Office Action, item 7, pg. 9 (*citing* Figs. 1-3, and 7 and col. 4, line 44 - col. 5, line 67). However, as discussed above, Yasuhara does not teach or suggest any balance setting. Furthermore, the recited figures do not show any reference to a balance setting. Indeed, the referenced portion of Yasuhara fails to teach or suggest "to generate a balance setting graphical user

interface," as set forth in Claim 9. Thus, Yasuhara does not show each and every limitation of Claim 9. As a result, Claim 9 is in condition for allowance.

The rejection recites that Claims 27 and 35 are "essentially similar to claim 9 and is rejected for the reason stated above apropos to claim 9." *See*, Office Action, item 7, pg. 10. However, in addition to Applicant's early remarks regarding Claim 9, Applicant further submits that Claim 27 includes the further limitation of "a touch-screen display configured **to receive** an audio source **balance setting** for **each respective audio source.**" As set forth above, Yasuhara does not teach or suggest "a touch screen display configured to receive an audio source balance setting" or that there be a "balance setting for each respective audio source. "As a result, Claim 27 is in allowable form for the reason that Yasuhara does not teach each and every limitation.

In addition to the above remarks Yasuhara fails to teach or suggest "a graphical user interface," as set forth in Claim 33. Likewise, Yasuhara fails to teach or suggest the limitations of "user interface configured to receive a selected balance setting", or "each audio source can be associated with a respective audio source balance setting," as set forth in Claim 33. Thus, for at least these reasons Claim 33 and respective dependent Claims 34-35 are in condition for allowance.

2. Claims 46 and 49-53.

The rejection recites that Claim 46 is taught by Yasuhara Figs. 1-3, 7-9 and col. 10, line 36 - col. 11, line 67. *See*, Office Action, pg. 13. The Examiner states that "the entertainment system for a vehicle as taught by Yasuhara **could have** a graphical user interface device in a vehicle navigation system as claimed so the system of Yasuhara would provide more convenience to a driver to find the direction and balance of the audio source." *See* Office Action, page 11. Applicant submits that the supposition that the system of Yasuhara "**could have**" a graphical user interface as recited in Claim 46 is no more than mere hindsight. In addition, Yasuhara neither teaches nor suggests the limitations of "a selected passenger category" or "a set of menu entries associated with the stored menu, where each of the menu entries represents at least one balance setting associated with each one of a plurality of audio sources for a selected passenger category." Moreover, as

discussed above, Yasuhara does not teach or suggest "displaying ... the balance settings associated with each audio source," where there is "a plurality of audio sources for a selected passenger category," as set forth in Claim 46, because Yasuhara does not teach or suggest a balance setting. As a result, the rejection fails to establish *prima facie* obviousness because Yasuhara does not teach or suggest each and every limitation of Claim 46. Moreover, Yasuhara does not teach or suggest the limitation "based on the respective balance setting provided for each audio source," as set forth in Claim 49, because Yasuhara does not teach or suggest a balance setting or that each audio source has a respective balance setting. Therefore, for at least these reasons, independent Claim 46 is allowable, and dependent Claims 49-53 are in condition for allowance at least for the reason that Claim 43 is in condition for allowance.

3. Claims 3 and 5.

The rejection recites "Yasuhara does not explicitly teach that the amplifier is configured to mute audio output signals from other audio sources from the speaker positioned nearest the driver in response to receipt of the acoustic driver information message receivable from the audio system being played on the speaker positioned nearest the driver; and the amplifier is configured to generate audio output signals from other audio sources uninterrupted by the acoustic driver information message receivable from the audio system in at least one speaker not positioned nearest the driver; and the amplifier is configured to mute the acoustic driver information message receivable from the audio system from the audio output signals sent to the speakers not positioned nearest the driver," and that "Fiegura teaches that the amplifier is configured to mute audio output signals from other audio sources from the speaker positioned nearest the driver in response to receipt of the acoustical driver information message receivable from the audio system being played on the speaker positioned nearest the driver." *See* Office Action, pg. 12 (*citing* Fiegura, Figs. 1-3, 5,7 and col. 3, line 60 – col. 4, line 11).

Applicant traverses the rejection's characterization of Fiegura because none of the recited portions recite "to mute ... **in response to** receipt of the acoustical driver information

message," as set forth in Claim 3. Fiegura thus fails to disclose the subject matter of Claims 3-5.

To the contrary, Fiegura's describes squeal suppresser 96 merely acts to suppress or echo cancel the squeal or echo that would be induced in the system by the proximity of the microphones and the radio receiver. *See*, Fiegura, col. 3, lines 45-48. Thus, Fiegura's squeal function merely cancels out the echo from a microphone, but Fiegura does not teach or suggest to "mute audio output signals from other audio sources from the speaker positioned nearest the driver," as set forth in Claim 3. Moreover, Fiegura's squeal function is in response to feedback from the microphone whereas Claim 3 requires "in response to receipt of the acoustic driver information message." Thus, Applicant submits that the rejection does not establish *prima facie* obviousness for the reason that the combination of Yasuhara and Fiegura fail to disclose, teach or suggest each and every recitation of Claim 3.

4. <u>Claims 15-16, 18, 29-30, 36, 37 and 54</u>.

The rejection of Claim 15 recites "Yasuhara does not teach that at least one of the plurality of audio sources comprise a navigation system including a navigation system balance setting," and "Becker teaches at least one of the plurality of audio sources comprises a navigation system including a balance setting." *See*, Office Action, item 9, pg. 14 (*citing* Fig. 1 and col. 8, line 20 – col. 9, line 67). However, Applicant submits that neither Yasuhara nor Becker, alone or together, teach or suggest "a navigation system balance setting," as set forth in Claim 15. Instead, Becker only describes a single balance control that is applied uniformly to all the audio sources. As a result, Yasuhara and Becker, when combined, fail to disclose, teach or suggest the subject matter of Claim 15 and its dependent Claims 18 and 54 are in form for allowance.

The rejection of Claim 16 recites that "Yasuhara teaches that computer readable program code to reduce the audio output signals from audio sources other than the audio system in the speaker nearest the driver in response to reproduction of the acoustic driver message." *See*, Office Action, item 9, pg. 14 (*citing* Fig. 9 and col. 10, line 36 – col. 11, line 67). Applicant respectfully submits that neither Fig. 9 nor col. 10, line 36 – col. 11, line 67 teaches or suggests either "a speaker nearest the driver" or "to reduce the audio output signals

from other audio sources ... **in response to** reproduction of the acoustic driver message," as set forth in Claim 16.

The rejection further recites that "Becker teaches ... to generate the acoustic driver information message ... in a speaker nearest a driver ... based on the navigation system balance setting inherently." However, "Inherency . . . may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Ex parte Smith*, 83 USPQ 2d 1509, 1513 (*citing In re Robertson,* 169 F.3d 743, 745, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999)). As discussed above, Becker does not teach or suggest the limitations of a "navigation system balance setting" or "to reduce the audio output signal from audio sources other than the navigation system . . . **in response to** reproduction of the acoustic driver information message," as set forth in Claim 16. As a result, neither Yasuhara nor Becker, taken singularly or combined, teach or suggest each and every recitation of Claim 16. Therefore, Applicant submits that the rejection does not establish *prima facie* obviousness and Claim 16 is in condition for allowance.

The rejection recites that "Claim 18 it [sic] is essentially similar to Claim 16 and is rejected for the reasons stated apropos Claim 16." Applicant respectfully traverses the rejection of Claim 18 for the reasons set forth above with respect to Claim 16. The subject matter of Claim 18 is not disclosed, taught or suggested by the reference combination asserted by the Examiner and is in condition for allowance.

The rejection of Claim 54 recites, "Yasuhara teaches that computer readable storage medium including a program code to generate an indication of the acoustic driver information message; computer readable storage medium including a program code to mute audio output signals from audio sources other than the audio system in the speaker nearest the driver of the vehicle based on the indication of the generation of the acoustic driver information message (such as, the driver selects AM/FM and does not select other source and see fig. 9 and see col. 10 line 36-col.11 line 67); but Yasuhara does not teach that the acoustic driver information message is received from a vehicle navigation system," and "However, Becker teaches that the acoustic driver information message is received from a vehicle navigation system (see fig. 1 and see col. 8 line 20-col. 9 line 67). Therefore it would

have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Becker into Yasuhara so that the system of Yasuhara could provide more convenience for a driver to find the direction."

Yasuhara and Becker do not disclose, teach or suggest and do not render obvious the subject matter of Claim 54. Claim 54 patentably recites, "computer readable storage medium including a program code to generate an indication of the acoustic driver information message; computer readable storage medium including a program code to mute audio output signals from audio sources other than the navigation system in the speaker nearest the driver of the vehicle based on the indication of the generation of the acoustic driver information message." As indicated above, Claim 18, from which Claim 54 depends, contains subject matter not disclosed in Yasuhara and Becker. In the rejections, the Examiner cites Fig. 9 and col. 10, line 36- col. 11, line 6, but there is in this portion of Yasuhara no disclosure, teaching or suggestion of "program code to mute audio output signals from audio sources other than the navigation system in the speaker nearest the driver . . .," and as set forth above with respect to Claim 16 no such disclosure in Becker. Since Yasuhara and Becker fail to disclose the recited subject matter of Claim 54, Claim 54 is not *prima facie* obvious in view of the cited references.

The rejection of Claim 29 recites that Yasuhara (Figs. 1-3, 7-9 and col. 10, line 36 – col. 11, line 67) teaches all the recitations of Claim 29 except for "one audio source comprises a navigation system configured to generate an acoustic driver information message, and the audio source balance setting associated with the navigation system." The rejection further recites that Becker, Fig. 1 and col. 8, line 20 –col. 9, line 67 teaches the above-referenced limitation.

However, as previously discussed, Yasuhara does not teach or suggest a balance setting. Moreover, the recited portions of Becker merely describe, in general terms, the MMI interface used to control various audio components. In fact, neither Yasuhara nor Becker teach or suggest an "audio source balance setting associated with the navigation system," as set forth in Claim 29. In addition, neither Yasuhara nor Becker, taken separately or combined, teach or suggest the balance setting associated with the navigation system

configured such that "the acoustic driver information message" is reproduced "only in a respective speaker positioned near a driver of the vehicle," as set forth in Claim 29.

Finally, neither Yasuhara nor Becker teach or suggest "an amplifier ... configured to **reduce the output of other audio sources ... in response to** generation of the acoustic driver information message" or that the reduction occurs "in the respective speaker positioned nearest the driver of the vehicle," as set forth in Claim 29. Thus, the rejection does not establish a *prima facie* case for obviousness at least for the reason that the combination of Becker and Yasuhara do not teach or suggest each and every recitation in Claim 29. Thus, Applicant submits that Claim 29 and respective dependent Claim 30 are in form for allowance.

The rejection of Claim 36 (page 10) recites, "Yasuhara teaches that one of the audio output signals comprises an acoustic driver information message generated by a audio system (see fig. 9 and see col. 10 line 36-col. 11 line 67); but Yasuhara does not teach that the acoustic driver information message is received from a vehicle navigation system," and "However, Becker teaches that the acoustic driver information message is received from a vehicle navigation system (see fig. 1 and see col. 8 line 20-col. 9 line 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Becker into Yasuhara so that the system of Yasuhara could provide more convenience for a driver to find the direction."

Claim 36 depends from Claim 32 and is patentable at least as a result of its dependence from an allowable claim. Furthermore, Fig. 9 and col. 10, line 36- col. 11, line 67 do not disclose, teach or suggest an audio signal comprising an acoustic driver information signal. None of the audio services of Yasuhara generate information, except as may be obtained from radio, cassette, CD or DVD entertainment sources. Unlike Yasuhara, Becker discloses a system with a navigation unit, but there is no disclosure in Becker that his navigation system generates an acoustic information system. Although the Examiner refers to Fig. 1 and col. 8, line 20- col. 9, line 67, there is no disclosure, for example, in this portion of Becker of "an acoustic driver information message generated by a navigation system." Claim 36 is thus allowable because its recited subject matter is not disclosed by Yasuhara and Becker, and it is not *prima facie* obvious.

Claim 37 depends from Claim 36 and is allowable at least as a result of its dependence from allowable Claims 32 and 36. Claim 37 is further allowable because its recited subject matter is not disclosed by Yasuhara and Becker. The rejection of Claim 37 (page 10) recites "Becker teaches that the an [sic] audio source balance setting associated with the navigation system generates the acoustic driver information message on a speaker chosen by the driver (see fig. 1 and see col. 8 line 20-col. 9 line 67)."

As set forth above, Becker does not disclose that his navigation unit generates an acoustic driver information signal and clearly, there is no disclosure in either Yasuhara or in Becker of generating the acoustic driver information signal on a speaker chosen by the driver. Accordingly, Claim 37 recites subject matter that is not disclosed or taught by Yasuhara and Becker and its recited subject matter is not *prima facie* obvious, but to the contrary, is patentable.

5. Claim 34 and 52.

The rejection of Claim 34 recites "Yasuhara does not teach the graphical user interface includes a vertical and horizontal scroll bar for adjusting the balance setting" and "However, Yanz teaches that the graphical user interface includes a vertical and horizontal scroll bar for adjusting balance settings." *See*, Office Action, item 10, pg. 17 (*citing* Fig. 8 and paras. 68-72). Applicant respectfully submits that the Yanz does not describe "a vertical and horizontal scroll bar for adjusting balance settings, as set forth in Claim 34. Instead, Yanz describes a display of "four channel gain controls, a cross-over frequencies control, a peak output control, a resonance booster control, and a set of select buttons for read, auto fit, program, mute, copy right to left, and copy left to right" to adjust a hearing device by a personal computer. *See*, Yanz, para. 71. As discussed above, Yasuhara does not teach or suggest any balance setting. Furthermore, Yanz does not teach or suggest a balance setting, as set forth in Claim 34. Thus, the combination of Yasuhara and Yanz does not teach or suggest, singularly or together, each and every recitation of Claim 34. As a result, Claim 34 is in form for allowance.

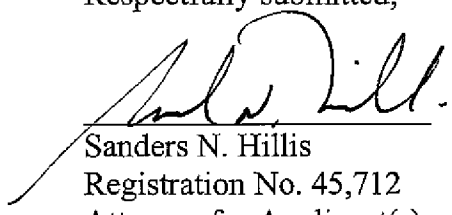
The rejection of Claim 52 recites that Yanz, Fig. 8 and paragraphs [sic] [0068- [0072] teaches the limitations of "adjusting the balance setting of each audio source based on the

received location of the horizontal and vertical scroll bars." As discussed above, Yanz does not teach or suggest a balance setting. Moreover, as shown in Fig. 8, the control settings are based on either the horizontal position of the slider element, illustratively elements 874 and 878, or the vertical position of the slider element, illustratively elements 866, 868, 870, and 872. However, Yanz does not teach or suggest the limitation of "adjusting the balance setting of each audio source based on the received location of the horizontal and vertical scroll bars," as set forth in Claim 52. Thus, the rejection does not establish *prima facie* obviousness because the recited reference fails to teach each and every limitation of Claim 52. Therefore, Applicant submits that Claim 52 is in form for allowance.

Conclusion

The Applicant respectfully submits that the claims of this application are patentably distinguished from the cited references and in condition for allowance. Should the Examiner feel that a telephone conference would be helpful, the Examiner is respectfully invited to telephone the undersigned attorney.

Respectfully submitted,



Sanders N. Hillis
Registration No. 45,712
Attorney for Applicant(s)

SNH/DHB/KFH/cbw

BRINKS HOFER GILSON & LIONE
CUSTOMER NO. 27879
(317) 636-0886